IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3944 OF 2006

Pandurang Chalu Patil and ors. .. Petitioners

Vs.

Tukaram Krishnaji Kolekar and ors. .. Respondents

Mr. N.V. Bandiwadekar for petitioners.

CORAM: B.H. MARLAPALLE, J.

Date : June 22, 2006.

P.C.:

1. Heard Mr. Bandiwadekar the learned counsel for the petitioners. Misc. Application No. 15 of 2005 was filed before the Joint Charity Commissioner at Kolhapur praying for transfer of Change Report No.779/2000 as well as Change Report No.281/2000 from the Deputy Charity Commissioner at Kolhapur to any other Deputy Charity Commissioner under the Joint Charity Commissioner at Kolhapur and this application came to be rejected by the impugned order dated 4/2/2006.

2. It was the claim of the petitioners that the

Deputy Charity Commissioner concerned was in his earlier tenure working as Civil Judge, Senior Division at Gadhinglaj and Regular Civil Suit No.116/2000 pending before him was transferred at the instance of the petitioners by the learned District Judge at Kolhapur by allowing transfer petition No.283/2000. The petitioners, therefore, apprehended that their Change Report would not be adjudicated impartially and in fairness. These apprehensions have been dispelled by the impugned order. The learned Jt. Charity Commissioner has noted that though the Change Reports were filed in the year 2000, the parties have been seeking adjournments almost for four years and even in the year 2005 adjournments were sought. On 13/1/2005 the petitioners had filed a pursis for closing the evidence and thereafter again on 5/2/2005, 7/3/2005, 6/4/2005 and 25/5/2005 adjournment applications were filed by the petitioners who are the opponents in C.R.No.251 of 2000 to lead evidence. On 18/6/2005 the learned Advocate representing the opponents filed pursis and thereafter Advocate Mr. Naik filed his Vakalatnama and adjournment was sought. The transfer petition was preferred on 16/8/2005. The learned Jt.

Charity Commissioner also noted that having regards to the transfer order passed by the learned District Judge at Kolhapur, it could not be said that there were reasons for personal bias and, therefore, the civil suit was transferred. This reasoning given by the learned Joint Charity Commissioner does not suffer from any errors apparent on the face of the record and, therefore, this petition under Article 227 of the Constitution must fail.

3. The petition is rejected summarily.

(B.H. Marlapalle,J.)